

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LUIS FELIPE MORENO-GODOY,	:	
	:	
Petitioner,	:	13-cv-2383 (JSR)
	:	
-v-	:	<u>ORDER</u>
	:	
UNITED STATES,	:	
	:	
Respondent.	:	
-----	x	

8/4/14

JED S. RAKOFF, U.S.D.J.

On March 20, 2014, the Honorable Gabriel W. Gorenstein, United States Magistrate Judge, issued a Report and Recommendation in the above-captioned matter recommending the denial of petitioner's petition filed pursuant to 28 U.S.C. § 2255. The petitioner thereafter submitted objections to certain portions of the Report and Recommendation and filed requests for written interrogatories and an evidentiary hearing. See ECF Nos. 19, 20, 21. Accordingly, the Court has reviewed the petition and the underlying record de novo.

Having done so, the Court finds itself in complete agreement with Magistrate Judge Gorenstein's Report and Recommendation and hereby adopts its reasoning by reference. Accordingly, the Court dismisses the petition, with prejudice. Additionally, because petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue. See 28 U.S.C. § 2253. Moreover, the Court certifies that any appeal from this Order would not be taken in good faith, as petitioner's claim lacks any arguable basis in law or fact, and therefore permission to proceed in forma pauperis

is also denied. See 28 U.S.C. § 1915(a)(3); see also Seimon v. Emigrant Savs. Bank (In re Seimon), 421 F.3d 167, 169 (2d Cir. 2005).

Finally, the Court finds that the petitioner has not shown that an evidentiary hearing or written interrogatories are warranted. Substantially for the reasons outlined in the Report and Recommendation, the petitioner fails to establish any "reason to believe that the petitioner may, if the facts are fully developed, be able to demonstrate that he is . . . entitled to relief." Bracy v. Gramley, 520 U.S. 899, 908-09 (1997) (quoting Harris v. Nelson, 394 U.S. 286, 300 (1969)). Clerk to enter judgment.

SO ORDERED.


JED S. RAKOFF, U.S.D.J.

Dated: New York, New York
August 3, 2014